

(e) If OPS has not approved a response plan for a pipeline described in § 194.103(c), the operator may submit a certification to OPS that the operator has obtained, through contract or other approved means, the necessary personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge. The certificate must be signed by the qualified individual or an appropriate corporate officer.

(f) If OPS receives a request from a FOSC to review a response plan, OPS may require an operator to give a copy of the response plan to the FOSC. OPS may consider FOSC comments on response techniques, protecting fish, wildlife and sensitive environments, and on consistency with the ACP. OPS remains the approving authority for the response plan.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-4, 70 FR 8748, Feb. 23, 2005; 70 FR 1140, Mar. 8, 2005]

§ 194.121 Response plan review and update procedures.

(a) Each operator shall update its response plan to address new or different operating conditions or information. In addition, each operator shall review its response plan in full at least every 5 years from the date of the last submission or the last approval as follows:

(1) For substantial harm plans, an operator shall resubmit its response plan to OPS every 5 years from the last submission date.

(2) For significant and substantial harm plans, an operator shall resubmit every 5 years from the last approval date.

(b) If a new or different operating condition or information would substantially affect the implementation of a response plan, the operator must immediately modify its response plan to address such a change and, within 30 days of making such a change, submit the change to PHMSA. Examples of changes in operating conditions that would cause a significant change to an operator's response plan are:

(1) An extension of the existing pipeline or construction of a new pipeline in a response zone not covered by the previously approved plan;

(2) Relocation or replacement of the pipeline in a way that substantially affects the information included in the response plan, such as a change to the worst case discharge volume;

(3) The type of oil transported, if the type affects the required response resources, such as a change from crude oil to gasoline;

(4) The name of the oil spill removal organization;

(5) Emergency response procedures;

(6) The qualified individual;

(7) A change in the NCP or an ACP that has significant impact on the equipment appropriate for response activities; and

(8) Any other information relating to circumstances that may affect full implementation of the plan.

(c) If PHMSA determines that a change to a response plan does not meet the requirements of this part, PHMSA will notify the operator of any alleged deficiencies, and provide the operator an opportunity to respond, including an opportunity for an informal conference, to any proposed plan revisions and an opportunity to correct any deficiencies.

(d) An operator who disagrees with a determination that proposed revisions to a plan are deficient may petition PHMSA for reconsideration, within 30 days from the date of receipt of PHMSA's notice. After considering all relevant material presented in writing or at the conference, PHMSA will notify the operator of its final decision. The operator must comply with the final decision within 30 days of issuance unless PHMSA allows additional time.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-1, 62 FR 67293, Dec. 24, 1997; Amdt. 194-4, 70 FR 8748, Feb. 23, 2005; 70 FR 11140, Mar. 8, 2005]

APPENDIX A TO PART 194—GUIDELINES FOR THE PREPARATION OF RESPONSE PLANS

This appendix provides a recommended format for the preparation and submission of the response plans required by 49 CFR Part 194. Operators are referenced to the most current version of the guidance documents listed below. Although these documents contain guidance to assist in preparing response plans, their use is not mandatory:

(1) The "National Preparedness for Response Exercise Program (PREP) Guidelines" (PREP), which can be found using the search function on the USCG's PREP Web page, <http://www.uscg.mil>;

(2) The National Response Team's "Integrated Contingency Plan Guidance," which can be found using the search function at the National Response Center's Web site, <http://www.nrt.org> and;

(3) 33 CFR Part 154, Appendix C, "Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans."

Response Plan: Section 1. Information Summary

Section 1 would include the following:

(a) For the core plan:

(1) The name and address of the operator; and

(2) For each response zone which contains one or more line sections that meet the criteria for determining significant and substantial harm as described in §194.103, a listing and description of the response zones, including county(s) and state(s).

(b) For each response zone appendix:

(1) The information summary for the core plan;

(2) The name and telephone number of the qualified individual, available on a 24-hour basis;

(3) A description of the response zone, including county(s) and state(s) in which a worst case discharge could cause substantial harm to the environment;

(4) A list of line sections contained in the response zone, identified by milepost or survey station number or other operator designation.

(5) The basis for the operator's determination of significant and substantial harm; and

(6) The type of oil and volume of the worst case discharge.

(c) The certification that the operator has obtained, through contract or other approved means, the necessary private personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.

Response Plan: Section 2. Notification Procedures

Section 2 would include the following:

(a) Notification requirements that apply in each area of operation of pipelines covered by the plan, including applicable State or local requirements;

(b) A checklist of notifications the operator or qualified individual is required to make under the response plan, listed in the order of priority;

(c) Names of persons (individuals or organizations) to be notified of a discharge, indicating whether notification is to be per-

formed by operating personnel or other personnel;

(d) Procedures for notifying qualified individuals;

(e) The primary and secondary communication methods by which notifications can be made; and

(f) The information to be provided in the initial and each follow-up notification, including the following:

(1) Name of pipeline;

(2) Time of discharge;

(3) Location of discharge;

(4) Name of oil involved;

(5) Reason for discharge (e.g., material failure, excavation damage, corrosion);

(6) Estimated volume of oil discharged;

(7) Weather conditions on scene; and

(8) Actions taken or planned by persons on scene.

Response Plan: Section 3. Spill Detection and On-Scene Spill Mitigation Procedures

Section 3 would include the following:

(a) Methods of initial discharge detection;

(b) Procedures, listed in the order of priority, that personnel are required to follow in responding to a pipeline emergency to mitigate or prevent any discharge from the pipeline;

(c) A list of equipment that may be needed in response activities on land and navigable waters, including—

(1) Transfer hoses and connection equipment;

(2) Portable pumps and ancillary equipment; and

(3) Facilities available to transport and receive oil from a leaking pipeline;

(d) Identification of the availability, location, and contact telephone numbers to obtain equipment for response activities on a 24-hour basis; and

(e) Identification of personnel and their location, telephone numbers, and responsibilities for use of equipment in response activities on a 24-hour basis.

Response Plan: Section 4. Response Activities

Section 4 would include the following:

(a) Responsibilities of, and actions to be taken by, operating personnel to initiate and supervise response actions pending the arrival of the qualified individual or other response resources identified in the response plan;

(b) The qualified individual's responsibilities and authority, including notification of the response resources identified in the plan;

(c) Procedures for coordinating the actions of the operator or qualified individual with the action of the OSC responsible for monitoring or directing those actions;

(d) Oil spill response organizations available, through contract or other approved means, to respond to a worst case discharge to the maximum extent practicable; and

(e) For each organization identified under paragraph (d) of this section, a listing of:

- (1) Equipment and supplies available; and
- (2) Trained personnel necessary to continue operation of the equipment and staff the oil spill removal organization for the first 7 days of the response.

Response Plan: Section 5. List of Contacts

Section 5 would include the names and addresses of the following individuals or organizations, with telephone numbers at which they can be contacted on a 24-hour basis:

- (a) A list of persons the plan requires the operator to contact;
- (b) Qualified individuals for the operator's areas of operation;
- (c) Applicable insurance representatives or surveyors for the operator's areas of operation; and
- (d) Persons or organizations to notify for activation of response resources.

Response plan: Section 6. Training Procedures

Section 6 would include a description of the training procedures and programs of the operator.

Response plan: Section 7. Drill Procedures

Section 7 would include a description of the drill procedures and programs the operator uses to assess whether its response plan will function as planned. It would include:

- (a) Announced and unannounced drills;
- (b) The types of drills and their frequencies. For example, drills could be described as follows:
 - (1) Manned pipeline emergency procedures and qualified individual notification drills conducted quarterly.
 - (2) Drills involving emergency actions by assigned operating or maintenance personnel and notification of the qualified individual on pipeline facilities which are normally unmanned, conducted quarterly.
 - (3) Shore-based spill management team tabletop drills conducted yearly.
 - (4) Oil spill removal organization field equipment deployment drills conducted yearly.
 - (5) A drill that exercises the entire response plan for each response zone, would be conducted at least once every 3 years.

Response plan: Section 8. Response Plan Review and Update Procedures

Section 8 would include the following:

- (a) Procedures to meet §194.121; and
- (b) Procedures to review the plan after a worst case discharge and to evaluate and record the plan's effectiveness.

Response plan: Section 9. Response Zone Appendices.

Each response zone appendix would provide the following information:

(a) The name and telephone number of the qualified individual;

(b) Notification procedures;

(c) Spill detection and mitigation procedures;

(d) Name, address, and telephone number of oil spill response organization;

(e) Response activities and response resources including—

(1) Equipment and supplies necessary to meet §194.115, and

(2) The trained personnel necessary to sustain operation of the equipment and to staff the oil spill removal organization and spill management team for the first 7 days of the response;

(f) Names and telephone numbers of Federal, state and local agencies which the operator expects to assume pollution response responsibilities;

(g) The worst case discharge volume;

(h) The method used to determine the worst case discharge volume, with calculations;

(i) A map that clearly shows—

(1) The location of the worst case discharge, and

(2) The distance between each line section in the response zone and—

(i) Each potentially affected public drinking water intake, lake, river, and stream within a radius of 5 miles (8 kilometers) of the line section, and

(ii) Each potentially affected environmentally sensitive area within a radius of 1 mile (1.6 kilometer) of the line section;

(j) A piping diagram and plan-profile drawing of each line section, which may be kept separate from the response plan if the location is identified; and

(k) For every oil transported by each pipeline in the response zone, emergency response data that—

(1) Include the name, description, physical and chemical characteristics, health and safety hazards, and initial spill-handling and firefighting methods; and

(2) Meet 29 CFR 1910.1200 or 49 CFR 172.602.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-3, 63 FR 37505, July 13, 1998; Amdt. 194-4, 70 FR 8748, Feb. 23, 2005]

APPENDIX B TO PART 194—HIGH VOLUME AREAS

As of January 5, 1993 the following areas are high volume areas:

Major rivers	Nearest town and state
Arkansas River	N. Little Rock, AR.
Arkansas River	Jenks, OK.
Arkansas River	Little Rock, AR.
Black Warrior River	Moundville, AL.
Black Warrior River	Akron, AL.
Brazos River	Glen Rose, TX.
Brazos River	Sealy, TX.
Catawba River	Mount Holly, NC.

Major rivers	Nearest town and state
Chattahoochee River	Sandy Springs, GA.
Colorado River	Yuma, AZ.
Colorado River	LaPaz, AZ.
Connecticut River	Lancaster, NH.
Coosa River	Vincent, AL.
Cumberland River	Clarksville, TN.
Delaware River	Frenchtown, NJ.
Delaware River	Lower Chichester, NJ.
Gila River	Gila Bend, AZ.
Grand River	Bosworth, MO.
Illinois River	Chillicothe, IL.
Illinois River	Havanna, IL.
James River	Arvon, VA.
Kankakee River	Kankakee, IL.
Kankakee River	South Bend, IN.
Kankakee River	Wilmington, IL.
Kentucky River	Salvisa, KY.
Kentucky River	Worthville, KY.
Maumee River	Defiance, OH.
Maumee River	Toledo, OH.
Mississippi River	Myrtle Grove, LA.
Mississippi River	Woodriver, IL.
Mississippi River	Chester, IL.
Mississippi River	Cape Girardeau, MO.
Mississippi River	Woodriver, IL.
Mississippi River	St. James, LA.
Mississippi River	New Roads, LA.
Mississippi River	Ball Club, MN.
Mississippi River	Mayersville, MS.
Mississippi River	New Roads, LA.
Mississippi River	Quincy, IL.
Mississippi River	Ft. Madison, IA.
Missouri River	Waverly, MO.
Missouri River	St. Joseph, MO.
Missouri River	Weldon Springs, MO.
Missouri River	New Frankfort, MO.
Naches River	Beaumont, TX.
Ohio River	Joppa, IL.
Ohio River	Cincinnati, OH.
Ohio River	Owensboro, KY.
Pascagoula River	Lucedale, MS.
Pascagoula River	Wiggins, MS.
Pearl River	Columbia, MS.
Pearl River	Oria, TX.
Platte River	Ogallala, NE.
Potomac River	Reston, VA.
Rappahannock River	Midland, VA.
Raritan River	South Bound Brook, NJ.
Raritan River	Highland Park, NJ.
Red River (of the South)	Hanna, LA.
Red River (of the South)	Bonham, TX.
Red River (of the South)	Dekalb, TX.
Red River (of the South)	Sentell Plantation, LA.
Red River (of the North)	Wahpeton, ND.
Rio Grande	Anthony, NM.
Sabine River	Edgewood, TX.
Sabine River	Leesville, LA.
Sabine River	Orange, TX.
Sabine River	Echo, TX.
Savannah River	Hartwell, GA.
Smokey Hill River	Abilene, KS.
Susquehanna River	Darlington, MD.
Tennessee River	New Johnsonville, TN.
Wabash River	Harmony, IN.
Wabash River	Terre Haute, IN.
Wabash River	Mt. Carmel, IL.
White River	Batesville, AR.
White River	Grand Glaize, AR.
Wisconsin River	Wisconsin Rapids, WI.
Yukon River	Fairbanks, AK.

Other Navigable Waters

Arthur Kill Channel, NY

Cook Inlet, AK
 Freeport, TX
 Los Angeles/Long Beach Harbor, CA
 Port Lavaca, TX
 San Francisco/San Pablo Bay, CA

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE**Subpart A—General**

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